

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 05-5116

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

JOSE AGUIRRE-ARIZAGA,

Defendant - Appellant.

Appeal from the United States District Court for the Middle District of North Carolina, at Greensboro. James A. Beaty, Jr., Chief District Judge. (CR-05-65)

Submitted: October 31, 2006

Decided: November 2, 2006

Before WILLIAMS, MICHAEL, and GREGORY, Circuit Judges.

Affirmed by unpublished per curiam opinion.

James Edward Quander, Jr., QUANDER & RUBAIN, P.A., Winston-Salem, North Carolina, for Appellant. Sandra Jane Hairston, Assistant United States Attorney, Greensboro, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Jose Aguirre-Arizaga pled guilty to possession with intent to distribute 487 grams of methamphetamine, in violation of 21 U.S.C. § 841(a) (2000). The district court sentenced Aguirre-Arizaga to ninety months of imprisonment. Aguirre-Arizaga's counsel has filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), stating that, in his view, there are no meritorious issues on which to appeal Aguirre-Arizaga's sentence. Aguirre-Arizaga was informed of his right to file a pro se supplemental brief but has not done so. We affirm.

In sentencing Aguirre-Arizaga, the district court considered the properly calculated advisory sentencing guidelines range and the factors set forth in 18 U.S.C.A. § 3553(a) (West 2000 & Supp. 2006). The sentence imposed is within the guideline range and well below the forty-year statutory maximum set forth in 21 U.S.C.A. § 841(b)(1)(B) (West 1999 & Supp. 2006). Under these circumstances, we find that Aguirre-Arizaga's sentence is reasonable. See United States v. Johnson, 445 F.3d 339, 345 (4th Cir. 2006); United States v. Green, 436 F.3d 449, 457 (4th Cir.) (stating that "a sentence imposed within the properly calculated Guidelines range . . . is presumptively reasonable") (internal quotation marks and citation omitted), cert. denied, 126 S. Ct. 2309 (2006).

In accordance with Anders, we have reviewed the entire record for any meritorious issues and have found none. Accordingly, we affirm Aguirre-Arizaga's conviction and sentence. This court requires that counsel inform his client, in writing, of his right to petition the Supreme Court of the United States for further review. If the client requests that a petition be filed, but counsel believes that such a petition would be frivolous, then counsel may move in this court for leave to withdraw from representation. Counsel's motion must state that a copy thereof was served on the client. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED